



D. Hawkinson
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PATENT

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03-14-03
Date

Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John McEntee et al.
Application No. : 09/775,375
Filed : January 31, 2001
For : Automation-Optimized Microarray Package
Examiner : Elizabeth S. Quan
Art Unit : 1743
Docket No. : 10004032-1
Date : March 14, 2003

Commissioner for Patents
Washington, DC 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated February 14, 2003, Applicants hereby elect Group I, claims 1-22, for examination at this time, with traverse.

MPEP § 803 notes that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants' representative believes that all four groups of claims, into which the Examiner has partitioned the original claims, are intimately related to the microarray strip, and features and characteristics of the microarray strip, claimed in the Group I claims 1-22. For example, claim 31, of Group IV, recites "a pocket strip," "a transparent cover strip," and "scanning through the transparent pocket strip." In the Restriction Requirement, is section 4, the Examiner states "the process for using the product does not recite the particulars of the products, such as a pocket strip with a number of pockets and transparent cover strip." Apparently, either the Examiner is mistaken, or Applicants' representative is incorrectly understanding the Examiner's statement. Because the microarray strip, claimed in the Group I claims 1-22, is directly and specifically recited in claims of each group, Applicants' representative believes that the searches for each of Groups I-IV would greatly overlap with

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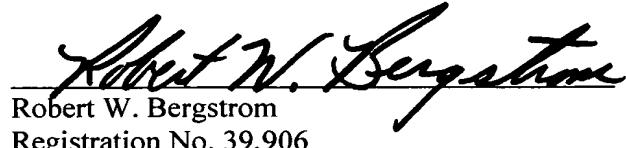
one another and that, as a result, examination of all claims together would produce significantly less overall burden on the Examiner, or Examiners, and would provide a far more efficient and expedient examination.

In view of the above election, applicant hereby cancels claims 23-31 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. Consideration of the elected claims is now requested.

Respectfully submitted,

John McEntee et al.

OLYMPIC PATENT WORKS PLLC


Robert W. Bergstrom
Registration No. 39,906

Enclosure:

Postcard
Olympic Patent Works PLLC
P.O. Box 4277
Seattle, WA 98104
206.621.1933 telephone
206.621.5302 fax

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